

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

INDUSTRIA DE ALIMENTOS Zenú S.A.S.,

v.

LATINFOOD U.S. CORP. d/b/a Zenú
PRODUCTS CO. and WILSON ZULUAGA

Defendants/Counter Plaintiff,

Civil Action No: 2:16-CV-06576
(KM)(MAH)

LATINFOOD U.S. CORP. d/b/a Zenú
PRODUCTS CO.,

Defendants/Counter Plaintiff,

v.

INDUSTRIA DE ALIMENTOS Zenú S.A.S
and CORDIALSA USA, INC.

Counter Defendants,

**DECLARATION OF WILSON ZULUAGA IN SUPPORT OF DEFENDANTS'
MEMORANDUM OF LAW FOR RECONSIDERATION OF PORTIONS OF THE
COURT'S JUNE 27, 2023 SUMMARY JUDGEMENT ORDER**

I, Wilson Zuluaga, aka Jack Wilson, declare and state as follows:

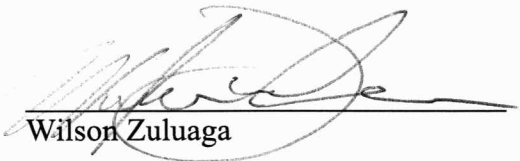
1. I make this Declaration of my own personal knowledge, except where otherwise indicated and if called as a witness, I could and would be competent to testify to the matters set forth herein.
2. I am President and 100% sole owner of Latinfood U.S. Corp. d/b/a Zenu Products, Co. ("Latinfood"), an active New York corporation that has been selling food

products under the ZENU® mark since as early as 2010 and the RANCHERA mark in 2012. Initially such sales were made by Latinfood's now dissolved predecessor New York Corporation, HWZ Distributors, Inc. ("HWZ"), which closed its doors in August 2013.

3. In this lawsuit, I have submitted numerous invoices demonstrating that I have been using my Zenu mark since as early as December 2010. These invoices were included with my Counsel's March 9, 2020 email to Industria's counsel. Specifically, the produced documents related to HWZ's 2011–2013 sales of products bearing the Zenú and Ranchera marks. (See Ingber Op. Decl. Ex. 3.). True and correct copies of the invoices are attached hereto as Exhibit A and includes multiple invoices from December 2010 which supports Latinfood's date of first use of the Zenu mark in commerce.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 11, 2023



Wilson Zuluaga